

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Robert Allen Fox Jr**
Docket No. **267972**
L.C. No. **05-290651**

William C. Whitbeck, Chief Judge, acting under MCR 7.201(B)(3) orders:

The motion for reconsideration is GRANTED. The order dated May 4, 2006, is VACATED, and the delayed application for leave to appeal is REINSTATED. The prosecutor has 21 days from the certification of this order to file an answer to the delayed application for leave to appeal. The defendant has now supplied enough information that the Court can decide whether the trial court erred in not appointing appellate counsel even though defendant did not request counsel within 42 days of sentencing as instructed at the time of sentencing and in accordance with MCR 6.425(F)(2)(c). See also MCR 6.425(G)(1)(c) where there is a requirement that counsel be requested within 42 days with no provision for counsel being appointed under a liberal standard if not requested within 42 days. Contrast MCR 6.425(G)(1)(c) with MCR 6.425(G)(1)(b) that does provide for a liberal standard if counsel is not requested within 42 days if the conviction is by trial.



A true copy entered and certified by ~~Sandra Schultz Mengel~~, Chief Clerk, on

JUN 21 2006

Date

Sandra Schultz Mengel
Chief Clerk